

Summary Minutes of the  
Delta Protection Commission – Visioning  
Thursday, February 2, 2006

**1. Call to Order/Roll Call/Flag Salute**

Chair McGowan called the meeting to order at 6:40 p.m.

**Present:** Chairman McGowan, Vice Chairman Ferguson, Commissioners Calone, Johnson, Kelly, Morey, Nottoli, Reagan, Sanders, Shaffer, Simonsen, van Loben Sels, and Wilson.

**Absent:** Commissioners Beckman, Cabaldon, Ornellas, Perez, Piepho and Scriven.

**2. Public Comment**

Peggy Bohl, said that there is value in the estuary and she foresees that this could evolve to be a national event.

Bill Geyer, Resource Landowners Association said that Commission should defend its charge of land use and not water. He said that landowner stewardship is what makes the Primary Zone and the Commission should look at how to reward those landowners.

Jeff Hart should develop an action/work plan to get specific about what projects the Commission will undertake. He said he was concerned about water quality issues.

**3. Conduct Strategic Planning/Visioning Session**

Jeff Small, owner of Capital Public Finance Group said his group is an independent public financial advisory consulting firm. Mr. Small said his group works with a variety of public agencies, school districts and government agencies handling various tasks such as budget forecasting, financing and infrastructure financing. He said his group is interested in the funding aspects of the commission and is trying to understand the goals and values and what the Commission would like to achieve to boil down to business opportunities for funding and pursuing the Commissions goals that are priorities.

Patrick Bell, owner of Edge Consulting said he was serving as a subcontractor for the Non Profit Resource Center. Mr. Bell said his group does organizational development, strategic and operational planning and his clients are mostly non-profits and the public sector. Mr. Bell said he would help the Commission decide what is the best direction for the Commission in pursuit of its mission. He said that tonight's meeting would focus on where the Commission is today, whereas the next meeting would focus on where the Commission is heading and where it wants to be.

Mr. Bell said he would be looking at the Management Plan and Annual Reports, Bulletin 16005 to see what people are saying about the trends, future of water, and Delta that would have an impact on the mission. He said he reviewed ACWA documents on the future of California Water and DWR powerpoint presentations on the effects of an earthquake on the western part of the Delta and its impacts, the LHC report on the CALFED program.

Mr. Bell stated that he had 16 phone interviews with Commissioners and 1 reply by e-mail; the interviews lasted 30-40 minutes each; and there was a standard set of questions. He provided a handout of the results of the interviews. He also said his next round of interviews would be discussions with Assemblymember Wolk, and Senators Machado and Torlekson.

*Mr. Bell said that the four key areas that have emerged from his interviews are defining the role of the Commission is the number one strategic issues. Second is securing a stable/adequate funding source; third is the composition; and fourth is staffing. He also said that the primary focus would be to take these points to the Legislature.*

Commissioner Sanders said he was concerned because Mr. Bell's perception seemed to be based solely on water. He asked how that perception could fit in with environmental factors that might influence the behavior, existence or future of the Commission for land use planning and how that fits in as water is only one major environmental factors that the Commission deals with. Commissioner Sanders said he suggested that the visioning process would not get stuck on one subject but the plethora of issues that would influence the Commission.

Mr. Bell responded that he alluded to water issues because many of the documents regarding the Commission focused on water and not land use, but he would welcome all documents to include in his review.

Commissioner van Loben Sels commented that after reviewing the results of the interviews he would like to see all similar comments grouped together. He said that the comments should be prioritized and the subject of water should be listed as a main priority and broadened. He also said that water exporters should be added to the list under the topic of additional funding, as this topic should be fleshed out to determine if water exporters are paying their fair share. Commissioner van Loben Sels said that Legislature should understand that the foundation for the Commission has been clearly created by the Legislature and previous Commissioners, but the Commission has not put any permanent preservation for future generations. He said the key question to be asked of the Legislature is if the Commission could have appeal authority over the first 1,000 feet in the Secondary Zone—the buffer area which has been identified as the “zone of concern”.

Commissioner Simonsen said that the Commission should define its weaknesses. He said one weakness is that some appointees to the Commission fail to show regularly. He said the Commission may need to define its qualifications and attendance policies and redefine its responsibilities. Commissioner Johnson responded that legislation has been introduced whereby three unexcused absences on a board or commission could result in dismissal.

Mr. Smalls said that funding for the Commission could be addressed through a matrix that identifies all who touch the water in any way and report on where it is realistic to obtain funding.

Chairman McGowan said that if the Commission were to ask others to pay, then those entities would want to play. He said the Delta has a far reaching impact and if the Commission were going to go to that extent, then he was not opposed.

Commissioner Wilson warned that going after funding from Delta interest groups is a huge mistake because it leaves the Commission with no time to accomplish little else. He said land in the Secondary Zone is far more valuable than in the Primary Zone because the Commission has de-valued ag lands (in the monetary sense) in the Delta and the perception is that it will disallow any homes to be built in the Primary Zone. He said the Commission has moved from its original mission and morphed into an anti growth/development group. He Commissioner Wilson said the role of the Commission should be not to deny a building project in the Delta, but preserve the community of the Delta.

Commissioner Simonsen said that there are competing interests with the Commission such as BCDC, CBDA, the Coastal Commission, and CALFED. He said that there is overlap between the agencies and legislation is needed to define each role or there should be a change to provide the Commission with authority. He said the Commission should be proactive and seek out a legislator who could carry the legislation it wanted.

Vice Chairman Ferguson said the Commission should think about if it wanted to, or could take on the task of determining the priorities for the State. He said Mr. Bell should convey that there have been impacts to the Primary Zone from the Secondary Zone and decisions need to be made that the Commission could get involved in.

Commissioner Johnson said that DBW is the funding source for 58 percent of the Commission's budget and there should be something more equitable. He said the Code allows for the Commission to receive grants and bond monies and he would like to see the Commission do some of the projects as the conservancies.

Chairman McGowan said that one important response the Commission should pay attention to and deal with its current assignment.

Mr. Bell said that the Commission should address the issue of more funding; however, to do so at this stage is putting the cart before the horse. He said that in order to justify the need for more money, the Commission should define its role and what it has done to deserve it.

Commissioner Reagan responded that outcomes are intended for future legislation. He said that the Commission might want to influence/tweak, resist/embrace any legislation. He said the Commission should be looking at what outcomes should be delivered with respect to the its current role. He also said that the Commission's charge should be to prevent incompatible development and preserve the economic activity of the property owners.

Commissioner Shaffer suggested that the Commission might want to emulate a model developed by San Luis County where it looked at urban edge affects of ag lands to develop a process to determine an appropriate buffer. He said the Commission should develop and articulate a vision for a sustainable Delta for the next 100 years and use that to engage other planning entities. Furthermore, the Commission should manage and direct that change. Commissioner Shaffer said the Commission could not afford to tell the Legislature what to do. He said the Commission should be both a planning entity that enforces the Management Plan and a project entity through the RC&D.

Ms. Fiack said the Commission should keep focusing on its outreach to cities and counties to remind them that Management Plan should be a part of and integrated throughout their general plans.

Commissioner Nottoli said felt the Commission has allowed for local control and brought to the table stakeholders who would not have met otherwise. He said the challenge is to maintain the character of the Delta so that it could be enjoyed for public and private uses and have a commitment to helping to obtain money for levees. He said the Commission's role is to tell the Legislature what it can do to maintain the Delta.

Commissioner Calone suggested that the Commission hold a forum to gather ideas that could serve the public. He said he agreed with Commissioner Wilson's point that the Commission is harmful to landowners in the Primary Zone. He also said the role of the Commission is to protect the rights of the landowners in the Delta.

Commissioner Kelly said she could not advocate that the Commission be the forum for a sustainable Delta vision because it is too large an endeavor. She did however, say that the Commission should be a player in the game.

Commissioner Morey said she would like to see more clarity where the Commission could be effective in addressing ag, recreation, and preservation issues.

**4. Direct Staff to Continue Process in Consultation with the Commission Ad Hoc Committee and the Consultants in Preparation for Special Meeting Session on March 2, 2006**

Mr. Bell said he would take the suggestions to move onto the next steps. He said his interviews with the three legislators would be key in gaining a sense of direction to allow the Commission to be consistent with its role.

**5. Adjourn**

The meeting was adjourned at 9:15 p.m.